

Advisory Opinion

IECDB AO 2006-13

December 21, 2006

The Honorable Jeff Danielson
State Senator
PO Box 1191
Cedar Falls, Iowa 50613

Dear Senator Danielson:

This opinion is in response to your email letters of November 26 and 27, 2006, requesting an opinion from the Iowa Ethics and Campaign Disclosure Board pursuant to Iowa Code section 68B.32A(11) and Board rule 351—1.2. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

FACTUAL STATEMENT:

You would like to use your campaign funds to pay for a \$1,000 lifetime membership to the American Council of Young Political Leaders (ACYPL). The organization is a bi-partisan, not-for-profit entity that brings together political leaders and policy makers to study international affairs. There is the exchange of delegations, educational forums, and leadership training. You have been selected as a delegate for ACYPL's South African political study tour and will be eligible to host foreign delegations to Iowa, escort future ACYPL delegations to other countries, and participate in diplomatic relationship building activities.

QUESTION:

Is it permissible for you to use your campaign funds to pay for the costs of a membership to the American Council of Young Political Leaders?

OPINION:

Iowa Code sections 68A.301 through 68A.303 and Board rule 351—4.25 place prohibitions on candidates/officeholders using their campaign funds. In general, the law provides that campaign funds shall be used for "campaign purposes, educational

and other expenses associated with the duties of office, or constituency services” and shall not be used for “personal expenses or personal benefit.” The statutes and rule then set out specific examples of permitted and prohibited uses of candidate campaign funds.

The Board is of the opinion that your membership to ACYPL is generally a permissible use of campaign funds during every year that you are a candidate. The issue then turns on whether a membership to the organization is specifically prohibited by law or rule.

Iowa Code section 68A.302(2) prohibits the use of candidate campaign funds under the following circumstances:

“g. Membership in professional organizations.

h. Membership in service organizations, except those organizations which the candidate joins solely for the purpose of enhancing the candidacy.”

We do not believe that ACYPL is the type of “professional organization” that is contemplated by the General Assembly in this prohibition.¹ Whether or not ACYPL is a “service organization” is a moot point as we believe that your belonging to the organization, given its mission and your activities within it, does enhance your candidacy for Iowa public office.

However, the Board is concerned that a “lifetime” membership could last beyond your time as a candidate for public office could be a “personal benefit.” Therefore, the Board will permit you to use campaign funds to purchase a membership for each year that you are a candidate.

As set out in this opinion, it is permissible for you to use your campaign funds to pay for the costs of a membership to the American Council of Young Political Leaders.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Janet Carl, Vice Chair

Gerald Sullivan

Betsy Roe

John Walsh

Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

¹We believe, for example, that this prohibition would apply to lawyer-legislators who wish to belong to the American Bar Association.